

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4209/2007

Smt. Asha w/o Wasudeo Patil and others
...Versus...
Wasudeo s/o Pandurang Patil

.....
Office Notes, Memoranda of Coram,
appearances, Court's orders or directions : Court's or Judge's orders
and Registrar's orders.
.....

(Shri S.K. Sable, Adv. for petitioners)

CORAM : A.B. Chaudhari, J.
DATED : 14.09.2007

Heard Advocate Shri Sable for petitioners.

An interlocutory order made by the Additional District Judge, Amravati in Regular Civil Appeal No. 199/2004 on application (Exh.14) for grant of stay pending disposal of the appeal is under challenge in the present writ petition.

As a result of stay granted by the Appellate Authority, the dispossession of the respondents from the suit house is stayed. The appeal is pending before the District Judge for final hearing since 2004. The impugned order was passed on 14.2.2006 and this writ petition was filed by the Counsel for the petitioners on 10.4.2007 and

the objections were removed on 11.9.2007.

Looking to this factual situation, it is not possible to interfere with the impugned order in the present writ petition. However, since Counsel for the petitioners submits that petitioner No.1 is living separate from her husband with her children, it would meet the ends of justice, if the Appellate Authority is directed to decide the appeal within a stipulated period. The writ petition is, therefore, partly allowed. The impugned order, below exh. 14 is confirmed. The Appellate Authority is directed to decide the Regular Civil Appeal No.199/2004 within a period of six months from today. No order as to costs.

JUDGE

SSW